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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,898	01/30/2002	Stefan Beetz	JAA207	3320

7590
Horst M Kasper
13 Forest Drive
Warren, NJ 07059

EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,898

Applicant(s)

BEETZ ET AL.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Acknowledgements

The Information Disclosure Statement and Preliminary Amendment filed by the Applicant on December 7, 2001 are acknowledged.

Specification

The abstract of the disclosure is objected to because in line 7, “to” should be --two--.
Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: in the first paragraph on page 6, this sentence is confusing and seems to have grammatical errors: “There results further from the arrangement of the two radial catches in the plane that there exist no further force transfer planes, which would shorten the effective length of the stabilizer parts.”

On page 7, line 3 recites a “subdivided stabilizer 3”, and in line 9, a “straight continuous stabilizer 3” is mentioned, while the list of reference characters on page 15 simply lists 3 as a stabilizer. Is the stabilizer “subdivided” and/or “straight and continuous?”

On line 2 of page 14, “free” should be --freely--.

Appropriate correction is required.

Claim Objections

Claim 1 objected to because of the following informalities: in line 1, “to” should be

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--two--, and “part” should be --parts--. In line 2, “an” should be inserted between “to” and “axle”. In line 12, “a” should be inserted between “to” and “limited”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the wheel suspension" in line 3, "the vehicle body" in line 4, "The locked end position" in line 4 on page 20, and "the released end position" in line 5 on page 20. There is insufficient antecedent basis for these limitations in the claim.

Claim 1 also uses the terms “on the one hand” and “on the other hand” in lines 1, 3, 7 and 8. This language is unclear and confusing.

Claim 3 recites the limitation "the side contact faces" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the axial force component" in line 2, “the force” in line 3, and “the floor side” in line 4. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sheppard et al. (US 4,206,935). Sheppard discloses two stabilizer parts (see 32 in Fig. 5) aligned parallel to an axle (10 in Fig. 5) with one end connected to the wheel (see 15 in Fig. 5) and the other end connected to the vehicle body (see 34 in Fig. 5). The stabilizer parts are connected to each other through a shaped matching coupling furnished with two catches that form at least two changeable intermediate spaces in a circumferential direction (see attachment), where the intermediate spaces are filled with locking elements (see attachment) and the catches and locking elements are geared to each other without play in the locked end position (see Fig. 7).

Allowable Subject Matter

None of the prior art of record appears to read on Claims 2 - 10 as understood by the examiner, and the subject matter of the claims appears to be allowable if the rejections under 35 USC 112 can be overcome. However upon applicant's amendment to overcome the rejections and objections raised by the examiner and upon the examiner's better understanding of the invention, a comparison of the prior art to the claims will again be made.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Markowetz (US 6,439,583) discloses an actuator. Kuwayama et al. (US 4,973,077) discloses a stabilizer device for motor vehicles. Leiber et al. (US 4,919,444) discloses a stabilizer for vehicles. Struss et al. (US 6,149,166) discloses an apparatus for use in a vehicle suspension. Fehring (US 6,022,030) discloses a roll stabilizer for a motor vehicle. Cubalchini (US 5,549,328) discloses a roll control system. Krawczyk et al. (US 5,529,324) discloses a system and method for vehicle roll control. Pascarella (US 5,505,480) discloses a controlled stabilizer bar attachment apparatus for improved suspension articulation. Smith (US 5,480,186) discloses a dynamic roll control system for a motor vehicle. Smith (US 5,437,354) discloses a tilt control apparatus for vehicles. Aulerich et al. (US 5,251,926) discloses a ratchet assembly for an adjustable stabilizer bar. Kurihara et al. (US 5,141,088) discloses a hub clutch device. Umeda (US 5,076,605) discloses a stabilizer and method of controlling stabilizer. Kincad et al. (US 6,428,019) discloses a semi-active anti-roll system. Jones et al. (US 6,361,033) discloses a roll control actuator. Elser (US 6,328,323) discloses an actuator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

~~DEAN DICKSON~~
PATENT EXAMINER

dld

Paul N. Dickson 10/1/03

PAUL N. DICKSON
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